

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
**IN RE: METHYL TERTIARY BUTYL
ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION**
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**CASE MANAGEMENT
ORDER #39**

This document relates to:

**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

All Cases
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SHIRA A. SCHEINDLIN, U.S.D.J.:

This Order memorializes the rulings made during the status conference held on October 2, 2008.

1. In the *City of New York* case, the trial will begin on June 22, 2008.
2. Defendants in the *City of New York* case will provide plaintiffs with updated site information from the two identified Shell stations by October 10, 2008. Plaintiffs, in turn, will state by October 23, 2008, whether each of the seven "potentially threatened wells" listed in their interrogatory response is threatened or not.
3. In the *City of New York* case, any reopened depositions, and the five 30(b)(6) depositions, will be completed by November 24, 2008. The parties will meet and confer by October 30, 2008, to agree upon a proposed pre-

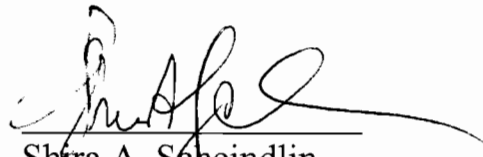
trial schedule, including a schedule for any remaining depositions; during this meeting, the parties will also attempt to select a narrowed set of focus wells, or well-clusters, for the trial beginning on June 22, 2008.

4. The parties in the *New Jersey* and the *Commonwealth of Puerto Rico* cases will meet and confer by October 30, 2008, to agree upon proposed pre-trial schedules for those cases. Defendants will file their answer by October 30, 2008.
5. With respect to the twenty cases brought by Napoli Bern, plaintiffs and defendants will each select one focus case; they will then meet and confer by October 30, 2008, to agree upon proposed pre-trial schedules for the two selected cases, with the goal of setting a trial date of June 22, 2008, in each case. As this Court has explained, discovery should proceed in all the remaining cases.
6. With respect to the cases pending against ExxonMobil, plaintiffs and defendants will each select one focus case; they will then meet and confer by October 30, 2008, to agree upon proposed pre-trial schedules for the two selected cases.
7. With respect to the *Orange County* case, defendants shall provide tank information relating to defendants' ten focus plumes by October 16, 2008.

Plaintiffs, in turn, will inform the Court by October 30, 2008, whether each of these plumes will remain in their case.

8. In the *Orange County* case, plume depositions must be completed by December 5, 2008.
9. In the *Tonneson & Basso* case, parties were directed to resubmit a proposed, modified Case Management Order; they have done so and the order has been filed.
10. The next status conference is scheduled for October 30, 2008 at 10:00 a.m.

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
October 27, 2008

-Appearances-

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